

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 2, 4-12, 14-17, and 19-28 are pending in the application.

Amendment to the Specification

The text of the Specification has been amended as indicated above. Specifically, “The present application is related to co-pending U.S. patent Application Ser. No. _____,” has been amended to say “The present application is related to co-pending U.S. patent Application Ser. No. 10/657,463,” in accordance with the Office’s objection thereto (page 2 of Office action). Applicant respectfully requests withdrawal of the Office’s objection in view of the amendment to the Specification.

Claim Rejections under §101

Claims 17-20 stand rejected under 35 U.S.C § 101 because the claims allegedly fail to transform to a different state or otherwise produce a useful, concrete and tangible result. This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, independent claim 17 is amended to clarify the subject matter being claimed, as discussed during the interview. Accordingly, Applicant requests that the § 101 rejection be withdrawn.

Claim Rejections under § 112, Second Paragraph

Claims 1, 2, 4-12, 14-17, and 19-28 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 1, 2, 4-12, 14-17, and 19-28 are amended to clarify the subject matter being claimed, as discussed during the interview. Accordingly, Applicant requests that the § 112 rejections be withdrawn.

Non Statutory Double Patenting Rejection

Claims 1, 12, 17, and 23 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 13, and 25 of the co-pending Patent Application Serial No. 10/657,463 to Gadre. Applicant respectfully requests that these rejections be held in abeyance until the application is otherwise in condition for allowance.

§ 103 Rejections

Claims 1, 2, 4-12, 14-17, and 19-28 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,760,905 to Hostetter et al. in view of U.S. Patent No. 6,018,628 (Stoutamire). This rejection is respectfully traversed because the Office has failed to establish a *prima facie* case of obviousness, for at least the reasons outlined below.

Independent claim 1 is amended to include the features of dependent claim 3. As amended, claim 1 recites a method of generating common intermediate language code comprising:

- writing first object oriented language source code that comprises a definition of a generic class usable in a framework;
- generating an instance of the generic class;
- compiling the instance of the generic class into common intermediate language code executable by a runtime engine; and
- ***receiving second object oriented language source code referencing the generic class defined by the first object oriented language source code.***

In making out the rejection of claim 1, the Office argues that its subject matter is obvious over Hostetter in view of Stoutamire. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, claim 1 is amended to recite, a method of generating common intermediate language code comprising ***receiving second object oriented language source code referencing the generic class defined by the first object oriented language source code.*** The Office has failed to show that Hostetter and Stoutamire teach or suggest all of the claim limitations.

Accordingly, the Office has failed to establish a *prima facie* case of obviousness in rejecting claim 1 by failing to establish that each and every element of claim 1 is taught or suggested by the references.

To assist the Office in appreciating the disclosed subject matter, Applicant refers the Office to the following excerpt of Applicant's Specification (Page 15, emphasis added):

Implementations of methods and systems described herein enable authoring generic classes in JAVA™ language source code for use by JAVA™ language and/or software programs in other languages. In

particular, these implementations provide for authoring and using generic classes whereby instances of such generic classes can be compiled into a common intermediate language (CIL) and executed by a runtime engine, such as the runtime engine 204. *A generic class may be authored by defining the generic class such that methods and data of the generic class are uniformly applicable to multiple different classes. In addition, such generic classes authored in JAVA™ language may be used (e.g., declared, referenced, etc.) by software programs written in other languages, such as C++ and Visual C#.NET™.*

Neither Hostetter nor Stoutamire teach or suggest this system or method. The portion of Hostetter relied on by the Office to teach this element of claim 1 is excerpted below (Hostetter Specification, col. 6, lines 37-39):

a source code instruction (i.e. method call instruction) that refers to a method of a template-generated class causes the generation of a method binding. A method binding is an object that stores information about a class method.

However, as evidenced from this portion, Hostetter does not teach or suggest a method of generating common intermediate language code comprising *receiving second object oriented language source code referencing the generic class defined by the first object oriented language source code*. Rather, Hostetter teaches a process for lazy compilation of template-generated classes in dynamic compilation execution environments. Further, Hostetter teaches that lazy compilation involves two separate compilations of the source code representations stored in, or referenced by, the method descriptors. The first compilation results in the type signature of a method being compiled into a method binding. The second compilation results in a method body being compiled into executable object code.

The Office has not shown that each and every element of claim 1 is taught or suggested by Hostetter in combination with Stoutamire. Therefore, the Office's argument for rejecting claim 1 fails to establish a *prima facie* case of obviousness. For at least this reason, Applicant requests that the Office withdraw the §103(a) rejection of this claim.

Dependent claims 2 and 4-11 depend from claim 1 and rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 1, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Independent claim 12 is amended to include the features of dependent claim 13. As amended, claim 12 recites a method of using a generic class comprising:

- adapting existing object oriented language source code to include a declaration of a first generic class provided by a software package having a class definition of the first generic class wherein the adapting comprises editing the existing object oriented language source code with a second source in a second source framework; and
- compiling the adapted object oriented language source code with the class definition to generate common intermediate language code.

In making out the rejection of claim 12, the Office argues that its subject matter is obvious over Hostetter in view of Stoutamire. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, claim 12 is amended to recite a method of using a generic class comprising adapting existing object

oriented language source code to include a declaration of a first generic class provided by a software package having a class definition of the first generic class wherein the adapting comprises editing the existing object oriented language source code with a second source in a second source framework.

For reasons similar to those given above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness in rejecting claim 12 by failing to establish that each and every element of claim 12 is taught or suggested by the references. Namely, the cited references do not disclose *‘adapting existing object oriented language source code to include a declaration of a first generic class provided by a software package having a class definition of the first generic class wherein the adapting comprises editing the existing object oriented language source code with a second source in a second source framework.’*

The Office has not shown that each and every element of claim 12 is taught or suggested by Hostetter in combination with Stoutamire. Therefore, the Office’s arguments for rejecting claim 12 fail to establish a *prima facie* case of obviousness. For at least this reason, Applicant requests that the Office withdraw the §103(a) rejection of this claim.

Dependent claims 14-16 depend from claim 12 and rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 12, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Independent claim 17 is amended to include features of dependent claims 18 and 21. As amended, claim 17 recites a system for authoring source code comprising:

- a class library having a generic class definition;
- a means for receiving a declaration of an instance of the generic class in first object oriented language source code wherein the means for receiving comprises a computer-readable medium having stored thereon a second source application.; and
- a means for generating metadata descriptive of the generic class.

In making out the rejection of claim 17, the Office argues that its subject matter is obvious over Hostetter in view of Stoutamire. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, claim 17 is amended to recite, a system for authoring source code comprising a means for receiving a declaration of an instance of the generic class in first object oriented language source code wherein the means for receiving comprises a computer readable medium having stored thereon a second source application and a means for generating metadata descriptive of the generic class.

For reasons similar to those given above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness in rejecting claim 17 by failing to establish that each and every element of claim 17 is taught or suggested by the references. Namely, the cited references do not disclose ***‘a means for receiving a declaration of an instance of the generic class in first object oriented language source code wherein the means for receiving comprises a computer readable medium having stored thereon a second source application.’***

The Office has not shown that each and every element of claim 17 is taught or suggested by Hostetter in combination with Stoutamire. Therefore, the Office’s arguments for rejecting claim 17 fail to establish a *prima facie* case of

obviousness. For at least this reason, Applicant requests that the Office withdraw the §103(a) rejection.

Dependent claims 19-22 depend from claim 17 and rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 17, are neither disclosed nor suggested in references of record, either singly or in combination with one another.

Independent claim 23 is amended to include the features of dependent claim 26. As amended, claim 23 recites a computer-readable medium having stored thereon microprocessor-executable instructions for performing a method comprising:

- receiving input representing a generic class definition in a object oriented language;
- receiving source code that references the generic class;
- compiling the source code with an instance of the generic class into common intermediate language code executable by a runtime engine; and
- receiving second object oriented language source code referencing the generic class defined by the first object oriented language source code.

In making out the rejection of this claim, the Office argues that its subject matter is obvious over Hostetter in view of Stoutamire. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, claim 23 is amended to recite, a computer-readable medium having stored thereon microprocessor-executable instructions for performing a method comprising receiving second

object oriented language source code referencing the generic class defined by the first object oriented language source code.

For those reasons similar given above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness in rejecting claim 23 by failing to establish that each and every element of claim 23 is taught or suggested by the references. Namely, the cited references do not disclose ***‘receiving second object oriented language source code referencing the generic class defined by the first object oriented language source code.’***

The Office has not shown that each and every element of claim 23 is taught or suggested by Hostetter in combination with Stoutamire. Therefore, the Office’s arguments for rejecting claim 23 fail to establish a *prima facie* case of obviousness. For at least this reason, Applicant requests that the Office withdraw the §103(a) rejection.

Dependent claims 24-28 depend from claim 23 and rejections with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 23, are neither disclosed nor suggested in references of record, either singly or in combination with one another.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a call to discuss any remaining issues.

Respectfully Submitted,

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